83

(2)

No. 07-549

FILED
FEB 1 - 2008
OFFICE OF THE CLERK
SUPREME COURT, U.S.

In The Supreme Court of the United States

DULAL KANTI GANGULY,

Petitioner,

v.

**SWISS AMERICAN SECURITIES, INC.;
CREDIT SUISSE GROUP/PRIVATE BANKING, INC.;
CREDIT SUISSE GROUPE/PRIVATE BANKING, INC.,**

Respondents.

**ON PETITION FOR WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT**

PETITION FOR REHEARING

**Dulal K. Ganguly
Vondellaan 31
NL-6961XD Eerbeek
The Netherlands
+316 2660 7188**

Pro Se Petitioner

THE LEX GROUP[DC] ♦ 1750 K Street N.W. ♦ Suite 475 ♦ Washington, DC 20006
(202) 955-0001 ♦ (800) 815-3791 ♦ Fax: (202) 955-0022 ♦ www.thelexgroupdc.com

On the January 24, 2008 I have received the response from the Clerk of the Supreme Court of the United States of America with just one sentence, the Petition for the Writ Of Certiorari has been denied, written in their letter dated January 07, 2008, Mailed with insufficient Postage Stamps on the envelope. Enclosed please find a copy of the envelope and the letter therein. On the January 25, 2008 I have informed Mr. Clayton Higgens about this over two weeks of Mailing delay. He advised me to make a Petition for a Motion for Rehearing out of time and to pay the Rehearing Fee of $200/-Dollars. Now, it is for me impossible to comprehend that when my request for a Jury trial based on the U.S. Constitutional Amendment Seven has been denied by the race biased Judge selected by the Judicial Staff administrating my legal file at the U.S. District Court for the Southern District of New. Annotation of Amendment Seven – In Suits at common law, where the value in controversy shall exceed twenty Dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise reexamined in any court of the United States, than according to the rules of the common law. The prejudiced and corrupt judge of the District Court was also appointed by the Judicial Staff to deal with my complaint and to dismiss my complaint at the Court of Appeals for the Second Circuit due to the lack of merit. This prejudiced Judge found all the merits in the letter of October 03, 2002, of Credit Suisse. In their letter the management of Youtrade states that for legal reasons Youtrade being the on line- Broker of the Credit Suisse, it is not allowed to enter or to conduct business relationships with customers who are resident of the Netherlands. To

disclose this concealed fraudulent misrepresentation it took the Credit Suisse Bank more than three years. The truth in this matter is the Credit Suisse Staff took my Netherlands Passport to fill in their Youtrade Application Form on the September 30, 1999. Then I realized that I was a victim of Banking Fraud as the Credit Suisse had opened a concealed Margin Account called Youtrade account for me and ordered Bank Lau to transfer my total asset to the illegal Youtrade account opened by Credit Suisse in Zurich. Credit Suisse as a Money lender and also was my Inter Net Broker for Youtrade. Therefore, Credit Suisse Group was in violation of Margin Lending Contract carrying the Lenders Liability. Please refer to the Margin Lending case in New York, U.S. District Court – Scott v Dime Savings Bank LEXIS 4009 of March 31, 1995 and amended on May 15, 2995. In this case due to Lenders Liability was due to the fact that Dime saving Bank operated as a Money Lender as also Broker. Credit Suisse Group had operated similarly by Lending Margin Loan above the money lending contract.

Here is a vivid example of Suisse Banking practice of abusing and financially exploiting Retired Senior persons of foreign origin and culture; which is against the Elderly Justice Act, HR 4993, Sec.2201. Fraudulently opening a Youtrade Bank account and ordering the transfer of my financial assets from Bank Lau to Youtrade account the Credit Suisse Bank had committed a Felony, Credit Suisse had deliberately refrained to disclose the dormant risk in their Inter Net Margin account by anticipating the criminal confiscation of my Pension assets. The letters of Credit Suisse dated November 08, 2002

XSMQ 2/ Dae830 and their letter of November 11, 2002 with the same reference number; these three pages are being enclosed. I had visited Credit Suisse on the July 28, 2000 and not on 2002 when my account value had reached over one Million Swiss Franks to set up a Pension Trust as was promised by the Management of Credit Suisse. But, as because was an illegally opened Bank account Credit Suisse cut of all communication and had refused to meet me. Most probably this is how Credit Suisse exploit Elderly Seniors like me. My question to the Swiss American securities which was holding my total financial assets in custody ever since October, 1999 also did not disclose that Credit Suisse Bank had opened a Fake Youtrade account for me for the purpose of confiscating my assets held by the Bank Lau in Zurich, in Switzerland. My claim is based on common law principles of fraudulent misrepresentation and of Lenders Liability of Credit Suisse Bank for opening a concealed Margin Account for installing a Pension Trust for generating a regular Pension income for me. Please find enclosed the Bank financial statements in their national language and the English translation by certified German Court translator. The two letters of Credit Suisse October 23, 2002 and November 11, 2002 with English translation, which was the basis of my request for setting up of Pension Trust.

Honorable Madam and Sir,

I, Dulal Kanti Ganguly, born on the November 10, 1939 in INDIA CONFIRM that my Petition for Rehearing as also the Petition for the Writ of Certiorari was made in good faith and Mailed to your High Office to be sure that this Petition is a complete and independent entity as the legal means of last resource. I can justify my complaint as a victim of Elderly abuse and financial exploitation by the Credit Suisse Group as money lender and also broker which is against the Elderly Justice Act. This is my statement in good faith and honesty.

Your Most Honorable

D. K. Ganguly

Dulal Kanti Ganguly
Vondellaan – 31
6961 XD Eerbeek
Netherlands